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PATENT  
Atty. Dkt. WHIT/0002.A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl E. Whitcomb

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Group Art Unit: 3643

Serial No.: 10/770,352

§

Confirmation No.: 7661

Filed: February 2, 2004

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Examiner:

For: Plant Container and Sidewall  
Providing Improved  
Management of Irrigation  
And Aeration

§

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U. S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on this date below:

11-1-04

Date

*Yolande Charles*

Signature

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of candor and good faith set forth in 37 C.F.R. § 1.56, the Applicant hereby discloses on behalf of individuals associated with the filing and prosecution of the present patent application information that might be material to patentability. This disclosure is presented via the enclosed Form PTO-1449.

This disclosure is not intended to constitute an admission that any information is "prior art" with respect to the presently claimed invention.

Copies of the patents and publications cited among the disclosed information are enclosed herewith, with the exception of U.S. Patents & U.S. Patent Applications the requirement for copies of which has been waived by the Office Notice of July 11, 2003 (*if the present patent application was filed after June 30, 2003*).

In the event a fee is required in connection with the enclosed Information Disclosure Statement, the Commissioner of Patents and Trademarks is authorized to charge Deposit Account No. 50-0714/WHIT/0002.A for the necessary amount.

Respectfully submitted,



Jeffrey L. Streets  
Registration No. 37,453  
STREETS & STEELE  
13831 Northwest Freeway, Suite 355  
Houston, Texas 77040  
(713) 939-9444  
Attorney for Applicant

**Customer No. 24945**

U.S. Department of Commerce, Patent and Trademark Office		Docket No.	Serial No.
		WHIT/0002.A	10/770,352
LIST OF RELEVANT ART CITED BY APPLICANT		Applicant	
(Use several sheets if necessary)		Dr. Carl E. Whitcomb	
		Filing Date	Group
		February 2, 2004	3643

## U.S. Patent Documents

*Examiner Initial		Document Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate
	A1	4,717,680	Jan. 5, 1988	Carl E. Whitcomb, et al.			
	B1	5,301,465	Apr. 12, 1994	Dennis Caferro			
	C1	6,311,443 B1	Nov. 6, 2001	Robert Allazetta			
	D1	6,195,938 B1	Mar. 6, 2001	William Chee Kay			
	E1	6,453,610 B2	Sep. 24, 2002	Mark Christopher Tonkin, et al			
	F1	4,574,522	Mar. 11, 1986	Ralph E. Reiger, et al.			
	G1	6,481,593 B2	Nov. 19, 2002	Michael Banhagel			
	H1	2,829,742	Apr. 8, 1958	W.T. Wallace			
	I1	4,730,953	Mar. 15, 1988	Paul L. Tarko			
	J1	754,948	Mar. 15, 1904	J.H. White			
	K1	1,011,445	Dec. 12, 1911	S.L.A. Killion			
	L1	3,951,294	Apr. 20, 1976	Clifford Arthur Wilson			
	M1	3,291,437	Dec. 13, 1966	G.F. Bowden, et al			
	N1	2,405,056	July 30, 1946	Irving Rosenbloom			
	O1	4,920,695	May 1, 1990	Garden, Jeffrey S. S.			
	P1	5,327,679	Jul. 12, 1994	Hawthorne, David V.			

## Foreign Patent Documents

## Translation

		Document Number	Date	Country	Class	Subclass	Yes	No
	Q1	WO 01/35722 A1	May, 2001	PCT				
	R1	WO 97/21339	June, 1997	PCT				
	S1	WO 97/00005	January, 1997	PCT				

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

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	T1	Carl Erwin Whitcomb, "Effects of Root Competition Between Trees and Turfgrass", An Abstract of a Dissertation submitted to the Graduate Faculty in Partial Fulfillment of The Requirements for the Degree of DOCTOR OF PHILOSOPHY, P- 1-3, 52
	U1	Carl E. Whitcomb, Eliot C. Roberts, and Roger Q. Landers, "A Connecting Pot Technique For Root Competition Investigations Between Woody Plants Or Between Woody and Herbaceous Plants, Ecology, Vol. 50, No 2, Early Spring 1969, P- 326-328
	V1	Carl E. Whitcomb and Eliot C. Roberts, "Competition Between Established Tree Roots and Newly Seeded Kentucky Bluegrass", Agronomy Journal, Volume 65, January-February, 1973, p. 126-129
	W1	Ralph Reiger and Carl E. Whitcomb, "A Root Control System for Growing and Transplanting Trees", Ag Exp Sta Report, P- 843, 1983
	X1	Carl Whitcomb, "Fabric liners to stop root circling in containers", unavailable paper published in 1983, but referenced on, p 341-342 of book by Carl Whitcomb, Plant Production in Containers II, 2003
	Y1	Carl E. Whitcomb, "Root Development of Trees Grown in Field-Grow Fabric Containers Following Transplanting", Okla. State U. Ag Exp. Sta Research Report, P-872, 1985
	Z1	Paper: Published in 1968 or 1969 copy unavailable. Subject: Using quart milk cartons with or without bottoms removed for growing tree seedlings. The milk cartons were positioned on a raised wire frame to prevent roots from growing into the soil below. This may have been the first situation where air-root-pruning occurred.
	A2	Jim Ward and Carl E. Whitcomb, Nursery Problems Solutions Through Research, June 21, 1972, Experiment #13, "Effects of Time of Potting and Root Pruning on Growth and Root Distribution of Loquat Seedlings", P-24-25
	B2	Carl E. Whitcomb, "Growth of Carissa Grandiflora 'Boxwood Beauty' in varying media, containers and micronutrient levels", 9 pages, circa 1971
	C2	Carl E. Whitcomb, Experiment #14, "Effects of Container Sidewall Porosity, Growing Media and Presence or Absence of Micronutrient Fertilizer on Root and Top Growth of Carissa Grandiflora Var. Boxwood Beauty", Nursery Problems Solutions Through Research, June 5, 1971
	D2	Randy E. Davis and Carl E. Whitcomb, "Effects of Propagation Container Size On Development of High Quality Seedlings", Reprint from The International Plant Propagators' Society, Volume 25, 1975
	E2	Robert S. Birchell and Carl E. Whitcomb, "Effects of Container Design on Root Development and Regeneration", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1977, Research Report P-760
	F2	Robert D. Hathaway and Carl E. Whitcomb, "The Effects of Root Malformation During Propagation on Growth and Survival of Bur Oak", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1978, Research Report P-777
	G2	Sancho Dickinson and Carl E. Whitcomb, "Effects of Container Design on Root Quality", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1978, Research Report P-777
	H2	Elizabeth Williams and Carl E. Whitcomb, "Effects of Growing Media and Container Design on Growth of Tree Seedlings", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1979, Research Report P-791
	I2	John D. Gibson and Carl E. Whitcomb, "Producing Tree Seedlings in Square Bottomless Containers", Ornamentals South, August, 1980, P-12-15

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	J2	Carl E. Whitcomb, "Effects of Container and Production Bed Color on Root Temperatures and Plant Growth", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1980, Research Report P-803	
	K2	Steve Wall and Carl E. Whitcomb, "A Comparison of Commercial Containers for Growing Tree Seedlings", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1980, Research Report P-803	
	L2	Carl E. Whitcomb, "Growing Tree Seedlings in Containers", Bulletin 755 January 1981 Agricultural Experiment Station Div of Ag, OK State Univ, P-18	
	M2	Carl E. Whitcomb, "An "Easy" Way to Grow Specimen Trees In The Field", Nursery Research Field Day, Ag Exp Sta, OK State Univ, October 1981, Research Report P-818	
	N2	Carl E. Whitcomb, "A Vertical Air-Root-Pruning Container", Reprints- Volume 31 International Plant Propagators Society Combined Proceedings for 1981, P-591-596	
	O2	Carl E. Whitcomb, "Improving Root System Quality", Reprint from Research Report p-829 of the OK Ag Exp. Sta. October, 1982	
	P2	Ben Davis III and Carl E. Whitcomb, "Growing Pecan Seedlings in Containers", Reprint from Research Report P-829 of the OK Ag. Exp. Sta. October, 1982	
	Q2	Robert D. Hathaway and Carl E. Whitcomb, "Nutrition and Performance of Container-Grown Japanese Black Pine Seedlings, J. Environ. Hort. 2 (1):9-12. March 1984	
	R2	Robert D. Hathaway and Carl E. Whitcomb, "Container-Grown Pecan Seedlings Good Nutrition, Root Pruning Technique to Get Seedlings Off to Quick Start", Pecan South, January 1985, P-14-19	
	S2	Carl E. Whitcomb, "Roots for The Future, The International Plant Propagators' Society, Combined Proceedings Volume 39, 1989, P-170-173	
	T2	Dr. Carl Whitcomb, "The Rootmaker Container", Florida Nurseryman October 1989, P-23-29	
	U2	"Container designed to aid plant's root development", Nursery Manager, April 1991, P-22	
	V2	Carl E. Whitcomb, "Top Ten Points of Plant Propagation", Combined Proceedings International Plant Propagators' Society, Volume 48, 1988, P-558-561	
	W2	Carl E. Whitcomb, "Avoiding the Staking Dilemma", published in the International Plant Propagators Soc. Proceedings, Volume 50, 2000	
	X2	Carl Whitcomb, "Seedling Development: The Critical First Days©", Combined Proceedings International Plant Propagators' Society, Volume 51, 2001 P-610-614	
	Y2	Carl E. Whitcomb, "Containers vs. Poly Bags- Which are better?, Reprinted from the January 1, 1983, container production special issue of American Nurseryman	
	Z2	Carl E. Whitcomb and Jerry D. Williams, "Stair-step Container for Improved Root Growth", HortScience 20(1) 66-67, 1985	
	A3	Dr. C. E. Whitcomb, "Effects of pot sizes on rooting of juniper cuttings", January 15, 1974, P-15, 73-74	
	B3	James D. Ward and Carl E. Whitcomb, "Nutrition of Japanese Holly during Propagation and Production", J. Amer. Soc. Hort. Sci 104(4)P-523-526. 1979	
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